REMARKS

This is in response to the Office Action mailed December 14, 2006. Claims 1, 6, and 10 have been amended. Claims 12 has been canceled. Claims 1-2, 4, 6, 10, 11, and 13-21 remain pending.

Applicants thank the Examiner for withdrawing the rejections from the previous Office Action.

Objections

The Office Action has objected to the specification on page 22 line 22 and suggests that the copending application be updated with the publication number. The publication number has been added to the specification.

Additionally, the Office Action has objected to claim 12 because the limitation of claim 12 in already in claim 1. Claim 12 has been canceled.

Rejections Under § 112

The Office Action has rejected claims 1-2, 4, 6, and 10-21 under 35 U.S.C. § 112, second paragraph as being indefinite because of the reference to second pH and first pH. Applicants have deleted the words "first" and "second" from the claims and the claims now merely refer to the pH ranges. Additionally, claim 10 has been amended to refer back to claim 1. Accordingly, it is respectfully requested that these rejections be withdrawn.

Rejections Under § 102(b)

Cornelissens (GB 2,000,177)

The Office Action has rejected claims 1-2, 4, 10-13, 15, 20 and 21 under 35 U.S.C. § 102(b) as anticipated by Cornelissens. Applicants respectfully traverse this rejection.

Cornelissens is directed to a *detergent composition* that contains (1) one or more surfactants, (2) an alkali metal carbonate, and (3) an acid. See page 1, line 52-53 and claim 1. The composition of Cornelissens is designed so that the acid constituent has a higher rate of solubility than the alkaline constituent and therefore dissolves faster to impart an overall acidic pH to the wash liquor. Thereafter, the alkaline constituent dissolves and imparts an overall alkaline pH to the wash liquor. See page 2 line 52 to page 3 line 2 and claim 1. According to Cornelissens, the acidic and the alkaline constituent should be separately present in the detergent composition. It is only necessary that the two constituents can be separately distinguished. See page 3 lines 57-59.

In contrast, Applicants invention as claimed is directed to a two-step method for treating laundry where the laundry is first washed in a detergent use solution *and thereafter* treated with a bleaching and antimicrobial composition. During the bleaching and antimicrobial treatment step, the pH is adjusted by adding a pH adjusting agent to increase the pH. See amended claim 1of the present invention. Additionally, the bleaching and antimicrobial composition uses one composition that has both bleaching properties and antimicrobial properties where the bleaching properties and antimicrobial properties are optimized at different pH ranges such that when used in the present invention as claimed, the bleaching and antimicrobial composition is first used at a pH that favors antimicrobial properties (i.e. a low pH) and thereafter used at a pH that favors bleaching properties (i.e. a high pH).

Each of these points highlights the differences between the present invention as claimed and the Cornelissens reference. Cornelissens is directed to a detergent composition where a pH change occurs during the detergent step whereas the present invention as claimed is directed to a bleaching and antimicrobial composition that is used after the detergent step where a pH change

occurs during the bleaching and antimicrobial treatment step. In Cornelissens, the pH change is caused by the dissolution of the detergent constituents at different rates in the wash liquor whereas the present invention as claimed uses the addition of a pH adjusting agent to cause the pH change. Finally, Cornelissens notes that a peroxide compound may be used with the acidic constituent, however, Cornelissens does not teach or suggest the use of a peroxide compound in a second step where the peroxide compound exhibits both bleaching and antimicrobial properties when used at different pH ranges. Because, Cornelissens does not teach each and every element of claim 1, and therefore by definition the dependent claims that depend from claim 1, it is respectfully requested that this rejection be withdrawn.

Rejections Under §103(a)

Cornelissens (GB 2,000,177)

The Office Action has rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Cornelissens as applied to claims 1-2, 4, 10-13, 15, 20 and 21. Applicants respectfully traverse this rejection.

Cornelissens does not render the present invention obvious for the reasons discussed above with respect to the § 102(b) rejection. Specifically, Cornelissens does not teach or suggest a two-step method for treating laundry using a detergent step and then a bleaching and antimicrobial composition treatment step that includes a pH change. Because Cornelissens does not teach or suggest all of the elements of claim 1, it does not render the elements in claim 6 obvious. Additionally, Applicants respectfully disagree that the stated times in claim 6 are obvious in light of Cornelissens because Cornelissens does not teach a pH change in a bleaching and antimicrobial step that follows a detergent step. Accordingly, it is respectfully requested that this rejection be withdrawn.

Ruck (US Pat. No. 4,388,077) in view of Reinwald et al. (US Pat. No. 4,118,189)

The Office Action has rejected claims 1-2, 4, 6, 12, 13, 15, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over Ruck in view of Reinwald et al. Applicants respectfully traverse this rejection.

Ruck is directed to a composition for washing fabric and denim fabric in particular. See column 1 lines 60-62. The composition of Ruck includes an amphoteric surfactant which in the aqueous washing solution changes from an anionic to a cationic state as a result of a *decrease in the solution pH.* See column 1, lines 62-65. The decrease in solution pH is the result of the addition of a pH builder that is designed to slowly decrease the pH of the solution from alkaline to acidic. See column 3, lines 10-25. Ruck includes optical brighteners in the list of optional ingredients but does not include bleaching or antimicrobial compositions.

Reinwald et al. is directed to a method of washing textiles. In some embodiments, the method can include several, preferably two steps. See column 4, lines 5-6. The steps can include a pre-wash cycle and then the wash cycle of the invention. See column 4, lines 5-27. As the Office Action points out, Reinwald et al. discloses bleaching agents as a suitable additive but not antimicrobial compositions.

The Office Action asserts that it would have been obvious to modify the method of Ruck to subject the laundry in Ruck to a pre-wash cycle and that the pH ranges are close enough where a person skilled in the art would have expected the ranges to have the same properties. Applicants respectfully disagree.

A fair reading of the combination of Ruck and Reinwald et al. is a method of treating denim by first washing the denim in a pre-wash solution and thereafter applying a second solution at an alkaline pH and then decreasing the pH through the addition of a pH builder to an

acidic pH. For the Office Action to suggest that a person skilled in the art would interpret Ruck to allow for an increase in pH does not properly consider the reference as a whole. See MPEP § 2142. Ruck discusses at length how the pH builder is designed to slowly decrease the pH of the solution thus teaching away from the present invention. See column 3, lines 10-25. In addition, the references themselves teach away from the combination of Ruck and Reinwald et al. because the use of a bleaching composition is inconsistent with the purpose of Ruck which is to wash fabric, and denim in particular. See MPEP § 2145. Ruck discusses the serious problems in the fabric washing art related to streaked or uneven dye removal and that denim with this "defect" must be sold at a factory sub-standard at a significantly reduced price. See Ruck, column 1, lines 52-57.

In contrast, Applicants invention as claimed is directed method of treating laundry by washing the textile in a detergent use solution and thereafter applying a bleaching and antimicrobial composition to the laundry at a pH from about 2 to 6 and then at a pH from about 7 to 11 where a pH adjusting agent is used to *increase* the pH. Neither Ruck, nor Reinwald et al., either individually or in combination, teach or suggest the use of a bleaching and antimicrobial composition and the manipulation of the pH to optimize the bleaching and antimicrobial properties of the composition. In fact, neither Ruck nor Reinwald et al. mention an antimicrobial agent as an optional ingredient. Accordingly, it is respectfully requested that this rejection be withdrawn.

Additional § 103(a) Rejections

In addition to the references and rejections discussed above, the Office Action has rejected claim 14 under § 103(a) as unpatentable over Cornelissens or Ruck in view of Reinwald et al. and further in view of Werdehausen et al.; and claims 16-19 under §103(a) as unpatentable

over Cornelissens or Ruck in view of Reinwald et al. and further in view of Barnes. Applicants respectfully traverse these rejections.

Claims 14 and 16-19 ultimately depend from independent claim 1. Applicants believe that claim 1 is patentable in light of the prior art of record for the reasons already discussed above. Applicants do not believe that the combinations of Cornelissens, Ruck, Reinwald et al., Werdehausen et al. or Barnes remedy the shortcomings of the prior art identified above. Accordingly, it is respectfully request that these rejections be withdrawn.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicant's primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 501257.

Respectfully submitted,

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